

**MINUTES OF THE
JOINT SESSION CITY OF AUBURN HISTORIC DESIGN REVIEW COMMISSION
AND PLANNING COMMISSION MEETING
AUGUST 19, 2008**

The joint session of the Auburn City Historic Design Review Commission and Planning Commission was called to order on August 19, 2008 at 6:01 p.m. by Chairman Smith in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Nardini-Hanson, Spokely, Worthington, Young, Elder, Kidd, Chrm. Smith

COMMISSIONERS ABSENT: Briggs

STAFF PRESENT: Wilfred Wong, Community Development Director; Reg Murray, Senior Planner; Joseph Scarbrough, Assistant Planner Intern; Sue Fraizer, Administrative Assistant

ITEM I: CALL TO ORDER

ITEM II: PLEDGE OF ALLEGIANCE

ITEM III: APPROVAL OF MINUTES

The HDRC minutes of June 17, 2008 and July 15, 2008 were approved as submitted. The HDRC and Planning Commission minutes of July 1, 2008 were approved as submitted. The Planning Commission minutes of June 3, 2008 and July 15, 2008 were approved as submitted.

ITEM IV: PUBLIC COMMENT

None.

ITEM V: PUBLIC HEARING ITEMS

A. **Historic Design Review - 111 Sacramento Street (Gifts R Us) - File HDR 08-27.** The applicant requests approval of one 3.3 square foot hanging sign for Gifts-R-Us, Etc., located at 111 Sacramento Street.

Planner Scarbrough presented the staff report. He reviewed the details of the sign, including size, colors, materials and sign location. It is

staff's opinion that the sign is compatible with the Old Town District. Staff recommends approval of the sign.

Comm. Elder asked if the sign will be hanging in the same direction as the other signs on the building.

Planner Scarbrough replied that it will hang in the opposite direction.

Comm. Worthington asked if the other signs are affixed to the surface of the overhang.

Planner Scarbrough explained that there are actually more tenant spaces than there are 4 x 4 beams, which made it necessary for this sign to be placed in a different direction.

Director Wong explained that he has worked with the landlord for several years about how to accommodate signage for all the tenants in this building. Staff will be informing the landlord that they will not support additional signage parallel to the street until he has an approved plan for additional signage in place.

Comm. Worthington asked if any consideration was given to adding a 2 x 4 beam so there would be consistency.

Director Wong replied that this was not a consideration.

The public hearing was opened.

The applicant, Mark Hinkle of 111 Sacramento Street, Suite I in Auburn stated that there is no other place to hang the sign. He would be happy to place his sign in the same direction as the others, but there is no room for it.

Michael Murphy of 500 Auburn Folsom Road in Auburn stated that he was on the Historic Design Review Committee 25 years ago, and the landlord was asked at that time to create a comprehensive program for signage on this building.

Comm. Worthington pointed out that the Sign Ordinance allows for a directory sign.

There were no other comments from the audience. The public hearing was closed.

Comm. Nardini-Hanson **MOVED** to:

Adopt HDRC Resolution No. 08-31 as presented, approving one business sign as illustrated in Exhibits B & C.

Comm. Young **SECONDED.**

AYES: Nardini-Hanson, Young, Elder, Kidd, Chrm. Smith
NOES: Worthington
ABSTAIN: None
ABSENT: Spokely, Briggs

The motion was approved.

B. Historic Design Review - 675 High Street (Aunt Flo's Chocolates) - File HDR 08-28. The applicant requests approval of one 3 square foot hanging sign located at 675 High Street.

Comm. Spokely arrived at the meeting at this time.

Comm. Worthington excused herself from this item and left the meeting, due to its location within 500 feet of her residence.

Planner Scarbrough presented the staff report. He provided details about the sign including colors, size, materials and location. Staff believes the sign is compatible with the Downtown district and recommends approval of the sign.

The public hearing was opened. The applicant was not in attendance and there were no comments from the audience. The public hearing was closed.

Comm. Young **MOVED** to:

Adopt HDRC Resolution No. 08-32, approving one business sign for Aunt Flo's Chocolates as illustrated in Exhibits B & C.

Comm. Elder **SECONDED.**

AYES: Nardini-Hanson, Spokely, Young, Elder, Kidd, Chrm. Smith
NOES: None
ABSTAIN: Worthington
ABSENT: Briggs

The motion was approved.

Comm. Worthington returned to the meeting.

ITEM VI:

**PUBLIC HEARING ITEMS - JOINT HISTORIC DESIGN
REVIEW COMMISSION AND PLANNING COMMISSION**

- A. **Design Review Permit, Variance, Tree Permit - 197 Sacramento Street (Mascorro Building) - File DRP 08-4; VA 08-4; TP 08-8.** The applicant requests approval of a Design Review Permit, Variance, and Tree Permit required for construction of the Mascorro Building at 197 Sacramento Street. The Design Review Permit addresses site design and building architecture associated with the construction of a ±2,819 square foot, three-story mixed use building that includes a ground floor restaurant, a bar on the second floor, and a one bedroom residence on the top floor. The Variance request is necessary to eliminate the project's parking requirement of nine parking spaces, while the Tree Permit is required to address construction impacts affecting three native trees.

Planner Murray presented the staff report. He provided details about the proposal including access and improvements, grading, drainage, services, parking and landscaping. He also reviewed the architectural plans and explained that staff requested details on certain building features but did not receive any supporting information. A condition has been added that the building may be approved as submitted and staff will work out the details of these features with the applicant.

There are no road improvements included in the project. The parking requirements are summarized in the staff report. The total parking required is 9 spaces. The applicant is not proposing to provide any parking in conjunction with this project, therefore, a variance is required to the City's parking standards. The parking section of the zoning code requires that parking should be provided in connection with the construction of any building. In cases where it is not possible to provide the required parking on-site, the code provides the developer the ability to either physically provide parking at another location or to provide an in-lieu cash payment. The applicant is requesting a parking reduction to not provide any parking for this project.

To eliminate the project's parking obligation, it is staff's position that the developer needs to provide the in-lieu fee payment and has conditioned approval of the variance to provide the in-lieu fee. This is consistent with other development projects in the Old Town area. The in-lieu fee is \$7,100 per space, therefore, for the nine parking spaces the total mitigation is \$63,900.00.

The applicant requests the elimination of the in-lieu fee. Staff believes that the in-lieu fee should be provided by the applicant to support the provision of additional parking in the future.

Comm. Elder asked if a trench will have to be dug underneath the retaining wall.

Planner Murray replied that the applicant should be able to answer that question.

Comm. Elder asked where construction vehicles will park.

Planner Murray explained that some of the equipment will have to be lifted up onto the property, and some will use the parking behind the Shaw Building.

Comm. Elder asked how the garbage will be picked up.

Planner Murray replied that they will have totter receptacles to take the refuse out to the street for pick up.

Comm. Young asked for further review of the in-lieu parking fee.

Planner Murray explained that if the applicant cannot provide the required parking spaces, they are required to pay the in-lieu fees. The in-lieu fee is \$7,100.00 per space. The City utilizes this money to develop parking within different areas of the City.

Comm. Young asked for more information about the parking study.

Planner Murray explained that there is currently an ongoing parking study taking place in the Old Town and Downtown areas. As a result of the parking study, lowering of the in-lieu fee or a reimbursement or partial reimbursement of the in-lieu fee may be warranted.

Comm. Worthington asked if staff verified that there is an illegal deck on the adjacent property.

Planner Murray replied that staff did not verify this.

Comm. Spokely asked what the overall building height from street grade is.

Planner Murray replied that the City measures height of structures from the highest grade adjacent to the building, but does not look at the street grade.

Comm. Nardini-Hanson stated that she thinks the proposed building architecture is befitting of the area.

Comm. Young asked if the third floor exit would be through the interior of the building.

Planner Murray replied that there is an interior stairway.

Chrm. Smith asked if the top portion of the building will be visible from the street.

Planner Murray replied that the highest point of the building is set back from the front of the building by three feet and may not be visible from the street.

The public hearing was opened.

The applicant, Michael Murphy of 500 Auburn Folsom Road stated that many of the utilities are already there. He stated that the street configuration and the stairs make the building inaccessible to anyone who is wheelchair bound, therefore the building itself didn't have to be designed for a person in a wheelchair. However, the bathrooms will be handicap compliant. The deck which is referred to as illegal is slightly over the property line and will need to be resolved when the new building is built. He explained that the exit from the upstairs is through a stairwell. He also stated that the top portion of the building will not be visible from the street.

Comm. Spokely expressed his concern about the overall height and massing effect of the building. He asked Mr. Murphy if he recalls the height of the Shaw Building next door.

Mr. Murphy replied that he doesn't know the height of the Shaw Building, however the height of the proposed building is approximately seven feet above the Shaw Building.

Mr. Murphy reviewed the parking issues in the Old Town area. He stated that the in-lieu parking fee has been reduced by City Council in the past. He feels that if the City encourages mixed use, they should not penalize the applicant by incurring a \$14,200 in-lieu fee (for two residential parking spaces) that will go into the general fund. This fee is 15% of the construction cost. He feels the solution is to consider this fee as a hardship and he feels there should be a different standard for parking requirements.

Comm. Young pointed out that parking spaces cost money. He feels that people who build in the community should take some responsibility for the fees for creating the parking and maintaining it.

Mr. Murphy replied that the Auburn Alehouse and Tsuda's were "grandfathered" in because they were not new buildings. The

proposed building location does not allow for parking to be added. He feels that there is adequate parking, but better signage is needed to direct people to the parking spaces.

Comm. Worthington agreed that parking spaces are difficult to find and better signage is needed.

Comm. Spokely asked if the examples of Auburn Alehouse and Tsuda's projects were the same uses as the prior uses.

Mr. Murphy replied that they were the same uses.

Chrm. Smith stated that he likes the building. He would like to see some improvements made to the parking lot behind this building to somehow incorporate it with this project.

Mr. Murphy stated that this type of project has been done by Project Auburn in the past and he is in favor of it. He stated that he would like to modify Condition #4 to zero parking spaces, modify Condition #5 to a zero dollar amount and eliminate Condition #6.

Comm. Kidd stated that if merchants and their employees would park appropriately it would allow for better availability of parking for customers.

Comm. Young agreed, and added that he encourages better parking signage.

Comm. Spokely asked why the residence is offset from the north building facade.

Mr. Murphy replied that it is a building code requirement that residential use has a different setback than commercial use.

Brent Mascorro of 331 Rio Vista Way in Auburn is the property owner. He appreciates the positive feedback. He stated that it is a 3-minute walk to over 350 parking spaces. The fee may prevent this project from going forward. He asks for fair treatment.

Ty Rowe of 210 Washington Street in Auburn is the owner of Bootleggers in Old Town. He welcomes this project. He has to monitor his parking lot so that there is availability for his patrons. He agrees that the signage is bad. He stated that the other businesses have been required to provide parking spaces, therefore this developer should be required to either provide parking spaces or pay the in-lieu fee.

Mr. Murphy asked that better directions be provided so that people can find the parking spaces that are available. He asked that his client be given a helping hand and a fair shot.

There were no other comments from the audience. The public hearing was closed.

Director Wong advised that the in-lieu parking fees go into a dedicated fund which goes toward parking lots. The \$7,100 fee per space is based upon the cost of the Magnolia Street parking lot. Recently, the Thacker office building project was required to pay the in-lieu parking fee. The City's parking requirement of one space per 400 square feet is very lenient in comparison with other cities. Once the parking study is complete, there may be a change in the parking requirements. The parking study should be complete by the end of the year or early 2009.

There was discussion about parking fees and the parking study.

Comm. Nardini-Hanson suggested that the in-lieu fees be reduced to five spaces rather than nine spaces.

Comm. Spokely **MOVED** to:

Adopt HDRC Resolution No. 08-33 for the Mascorro Building
(File # DRP 08-4) as presented.

Comm. Kidd **SECONDED**.

AYES:	Nardini-Hanson, Spokely, Worthington, Young, Elder, Kidd, Chrm. Smith
NOES:	None
ABSTAIN:	None
ABSENT:	Briggs

The motion was approved.

Comm. Worthington **MOVED** to:

Adopt Planning Commission Resolution No. 08-19 for the
Mascorro Building (Files #VA 08-4; TP 08-8) with Condition
#4 modified as follows:

The parking variance reduces the required parking from
nine (9) parking spaces to four (4) parking spaces.
(CDD)

and Condition #5 modified as follows:

Subject to City Council approval, the developer shall

provide an in-lieu parking fee of \$7,100 per parking space for a total of \$28,400. (CDD)

Comm. Nardini-Hanson **SECONDED.**

AYES: Nardini-Hanson, Spokely, Worthington, Young, Chrm.
Smith
NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

ITEM VII: COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS - HISTORIC DESIGN REVIEW COMMISSION

- A. City Council Meetings
No report.
- B. Future Historic Design Review Commission Meetings
There will be a meeting on September 2, 2008.
- C. Reports
None.

ITEM VIII: HISTORIC DESIGN REVIEW COMMISSION REPORTS

None.

ITEM IX: FUTURE HISTORIC DESIGN REVIEW COMMISSION AGENDA ITEMS

None.

ITEM X: ADJOURNMENT OF THE HISTORIC DESIGN REVIEW COMMISSION

The meeting was adjourned at 8:16 p.m.

ITEM XI: PLANNING COMMISSION BUSINESS

- A. **Zoning Interpretation (Bingo Parlors in Commercial Zone Districts).** The Planning Commission is requested to consider whether bingo parlors should be permitted or conditionally permitted uses in the Commercial (C-1; C-2, and/or C-3) Zone Districts.

Director Wong presented the staff report. Recently staff had in inquiry about establishing a Bingo parlor in town in a C-2 zone. Bingo parlors are not listed in our Zoning Ordinance. Staff did a survey of other

jurisdictions and the jurisdictions also did not list Bingo parlors in their zoning ordinances. Staff recommends that a Bingo parlor would require a Use Permit in our C-2 and C-3 zones and not be permitted in the C-1 zone.

Comm. Worthington asked if any letters or e-mails regarding this application were received from the public.

Director Wong replied that this type of item is not noticed to the public.

Comm. Young stated that he did some internet research on bingo parlors. Although there is an indication that there are several charities receiving the money, he feels this type of business must be making money.

The public hearing was opened.

Mr. Greg Brennan stated that he has run charitable organizations for the past 20 years. It is required by a State statute that any organization such as this be classified as 5013C which is a non-profit Federal Tax Exempt status. This type of fundraising helps subsidize things such as the local swim team and Jr. High band. With fiscal tightening there are venues that need additional monetary support.

Comm. Young asked Mr. Brennan how much money the organization raising the funds would receive from this type of fundraising.

Mr. Brennan replied that it should receive 100% of the money raised. A portion is used to pay for advertising, security and janitorial services. The net amount to the organization would be 75% to 80%. Participation in the fund-raiser must be voluntary.

Comm. Young asked Mr. Brennan if he gets a salary for his services.

Mr. Brennan replied that no one receives a salary and that the state and federal government requires that no one can profit from any monies raised.

There were no other comments from the audience. The public hearing was closed.

Comm. Spokely asked if Bingo parlors are not defined in the current zoning ordinance, doesn't the applicant have the right to request a Use Permit.

Director Wong replied that they do not. If it is not listed as an accepted use, it is not allowed.

Comm. Nardini-Hanson asked for clarification about the recommended motion and whether the end result would be that an application for a Use Permit for a Bingo parlor would be approved on a case by case basis.

Director Wong explained the options for a motion that are available to the Commission. He also explained that the analysis section of the staff report lists the current provisions listed in Chapter 114 of the City's Municipal Code.

Comm. Worthington **MOVED** to:

Find that Bingo Parlors are not appropriate uses in the Commercial Zone Districts, based upon substantial evidence presented at the public hearing.

Comm. Spokely **SECONDED**.

AYES: Nardini-Hanson, Spokely, Worthington, Young, Chrm. Smith
NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

Director Wong explained that this means that an applicant could apply for what the current code allows, which is a temporary Bingo event.

ITEM XII: COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS - PLANNING COMMISSION

- A. City Council Meetings
None.
- B. Future Planning Commission Meetings
A meeting is planned for Sept. 2, 2008.
- C. Reports
None.

ITEM XIII: PLANNING COMMISSION REPORTS

None.

ITEM XIV: FUTURE PLANNING COMMISSION AGENDA ITEMS

None.

ITEM XV: ADJOURNMENT OF PLANNING COMMISSION

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Susan Fraizer, Administrative Assistant